

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

M.V.,	:	CIV. NO. 20-5310(RMB)
	:	
Petitioner	:	
	:	
v.	:	ORDER
	:	
DEPARTMENT OF JUSTICE and	:	
BUREAU OF PRISONS	:	
	:	
Respondents	:	

Petitioner M.V., a prisoner confined in the Federal Correctional Institution in Fairton, New Jersey ("FCI Fairton") filed a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, challenging the calculation of his sentence (Pet., ECF No. 1.) Petitioner did not pay the \$5.00 filing fee<sup>1</sup> or submit a completed application to proceed *in forma pauperis* under 28 U.S.C. § 1915 in lieu of the \$5.00 filing fee.<sup>2</sup> Further, Petitioner did not name

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1 28 U.S.C. § 1914(a) provides: "The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350, except that on application for a writ of habeas corpus the filing fee shall be \$5."

2 28 U.S.C. § 1915(a) provides:

(a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits

the proper respondent, the warden of the facility where he is in custody. See Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004).

**IT IS** therefore on this 5th day of May 2020,

**ORDERED** that the Clerk of the Court shall administratively terminate this case without filing the petition or assessing a filing fee; Petitioner is informed that administrative termination is not a "dismissal"; and it is further

**ORDERED** that the Court reserves ruling on the motion to seal (ECF No. 2) upon reopening of this matter; and the Clerk shall maintain the file under seal until further Order; and it is further

**ORDERED** that the Clerk of the Court shall send Petitioner a blank form "Affidavit of Poverty and Certification (HABEAS

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an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

CORPUS)" DNJ-Pro Se-007-B-(Rev. 09/09) and a blank form "AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241;" and it is further

**ORDERED** that if Petitioner wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Room 1050, Camden, NJ 08101, within 30 days of the date of entry of this Order; Petitioner's writing shall include either (1) a complete, signed *in forma pauperis* application or (2) the \$5.00 filing fee; and an amended petition naming the proper Respondent; and it is further

**ORDERED** that upon receipt of a writing from Petitioner stating that he wishes to reopen this case, and either a complete *in forma pauperis* application or payment of the \$5.00 filing fee, and an amended petition naming the proper Respondent within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is finally

**ORDERED** that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail.

s/Renée Marie Bumb  
**RENÉE MARIE BUMB**  
United States District Judge